

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on January 7, 1999 at 10 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Johnson, Committee Secretary
David Niss, Legislative Services Division

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: No bill heard - Organizational Meeting only.
Executive Action:

Call to Order: By **CHAIRMAN MACK COLE**, on January 7, 1999. at 10:00 a.m.

Introductory Meeting and Procedures Discussion

At this time I will call our first meeting together on the Senate State Administration and this will be primarily a meeting to kind of just get acquainted, to get some of our rules and regulations

together, we did have two bills that were to come in today and the sponsor asked that they be postponed and I agreed to that because he has two more bills coming in and they will be heard Wednesday and the other companion bills will be Thursday. At this time I would kind of like to go around the table a little bit, most of us know each other but Pat I don't think knows everybody and Pat if you would introduce yourself maybe tell a few words about yourself, so we all know who you are.

My name is Pat Johnson and I am a native Montanan and this is my first Senate Committee and I'm nervous.

SEN. DON HARGROVE, VICE CHAIRMAN of the Committee, this is my third time here and this an excellent committee and I think we will all enjoy it get some interesting things.

SEN. JOHN TESTER from Big Sandy, I farm there and look forward to working with you folks on the committee.

SEN. JACK WELLS from Bozeman, I am new to the Senate I just served two terms in the House of Representatives, I'm looking forward to this committee - I did not request this committee and having looked at some of the issues that come up I'm pretty excited about it.

SEN. BILL WILSON, Great Falls, fourth session, second session on this committee, that's about it.

DAVID NISS, STAFF ATTORNEY,

MACK COLE, I served on this committee with Don here two terms ago, I don't know if I was too rowdy or what but I didn't serve last time but I'm very glad to be back here again.

Agenda for today's meeting:

CHAIRMAN COLE stated what he would like to do at this time, oh a couple more housekeeping things, as far as calling everybody name for roll and that, Pat has the list and she will just check your absence, if for some reason if you are going to be late, try to let her know or let me know, or for some reason you're not going to be here at all I would appreciate your letting me know. This is not the largest committee we have here so look at it this way, you are much more important than you are on some of those great big committees. We are going to have a number of bills this session. What I understand and maybe **SEN. HARGROVE** can give us a little more information than that but in the past this has been a very active committee and I see no reason why it isn't going to be again this session. Do you have any comments on this?

SEN. HARGROVE: No I haven't been in the position of assigning bills but I'm pretty sure if they have a problem putting them someplace else they come here, the relief valves.

CHAIRMAN COLE: If we get one that has to do with water rights we will question it. At this time I would like to turn the committee over to **DAVID**, and maybe you would like to go through a little of what you see as far as the rules and regulations and maybe if we could talk just a little bit about how hearings go.

DAVID NISS: Mr. **CHAIRMAN**, **Committee Members**, there only a couple of things that I really need to talk about. The first one of those is that there is a requirement in Senate Rules concerning committee procedures and specifically for votes in absentia that the House of Representatives doesn't share, and that's Senate 30-70, and what that says is standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia while engaged in other Legislative business. Keep in mind this is just for Senate Committees. Authorization for such voting shall be reflected in the committee minutes. At some point before we get going too fast and crazy here, today might as well be the day that the committee needs to decide if it wants to authorize votes in absentia or (what we've called left votes before) what this means rather than leaving a written proxy, members can return the committee room or more likely to the Pat, the committee secretary, and just tell her how they vote on a particular matter even tho they were not at attendance in the committee meeting. That seems to be essentially what 30-70 was referring to,

The other thing I told **SEN. COLE** I wanted to mention just very briefly is the amendment process, and there's two somewhat different but very closely connected suggestions or requests that I will have for you and that is first of all I would like to see all amendments. The reason for that is because I need to be sure that the amendments given to you by perhaps a non member of the committee, perhaps by a lobbyist are number one, what you intend to do and second if that's what you want, that they do what the lobbyist intends to do. I would like to see those to make sure that they do what you intend to do and also to make sure that there are technically legally correct. Sometimes we run into constructional issues, other legal issues with amendments, and rather than this being the process and having to come back two years from now and fix the thing up and do it all again, which is a grand waste of everybody's time, I really need to see those.

Witnesses will suggest amendments and if the person testifying is not a member of the committee, you need to understand that I don't draft amendments for witnesses. I draft them for members,

particularly for members of this committee. A person has to be a member of the committee in order to get a amendment into the final committee report. I guess that's my spoken piece for this morning Mr. Chairman. Thanks Mr. Chairman.

SEN. TESTER: I just want to recap what I thought I heard. What your saying is then that all amendments need to come from members of this committee.

DAVID NISS: Senator, not necessarily, they "can come" from a lobbyist, they can hand them to you but I need to see those and if you intend that amendment get on the bill, you need to actually make the motion.

SEN. TESTER: O.K., requested by would have been a better term. On the absentee vote issue, can that be done, does it need to be done before this meeting or can it be done at any time? What are the time lines as far as the absentee vote?

CHAIRMAN COLE: If we decide that we are going to go, this is the decision of the committee. We will allow people to come in after the vote and I would like to vote for this, I would like to vote against it even though he had not been there, if that's what we decide on than we will have to have that vote and I'm not sure, usually it was before - defiantly before you went into executive session.

SEN. HARGROVE: Mr. Chairman this is up to you, but I think anytime before the final vote has been taken and recorded would be fine leaving it up to the individual and chairman.

CHAIRMAN COLE: As I recall we have done this in other committees, we leave it open, but we can not leave it open forever, we have close even if it's a day or two.

SEN. HARGROVE: Let ask a question of the council Mr. Chairman, Is there something someplace that gives us 24 hours for actually holding the vote open? Seems like someplace along the line somebody has evoked whether it is right or wrong I don't know.

SEN. WELLS: I only speaking primarily from my experience in the House, and I know Mr. Niss has pointed out that the ruled are different in the House, but my experience on the House Tax Committee was that we did do something similar to this, we would tell associates how we wanted to vote, at executive session they stated how we wanted to vote, or previously provided a written note to the person who was voicing your vote. I found that was necessary at times. I think it is a good idea. Expressing a

vote preference to the Secretary or to you or the Vice Chairman prior to executive action would be the way to work it.

SEN. WILSON: I just to say whatever we can do to make it easier to vote is imperative giving the size of this committee, we're going to have issues decided by a pretty slim margin. Every vote is definitely going to count in this game.

CHAIRMAN COLE: If I don't hear any objections then we will go ahead and you can give your vote to the secretary, but it has to be done prior to final vote. Are there any other administrative things that we need to come up at this time?

DAVID NISS: Mr. Chairman one other item I might mention just very briefly for two members that haven't served on this committee before is we will have our conformation process for gubernatorial appointments. According to the relevant statute those appointments have to be sent to the Senate in writing from the Governor no later than the tenth legislative day. One thing that we do need to do with those appointments is to keep on top of the committee process and make sure that we are all current in our work on them. The procedure is covered pretty throughly in Chapter 7 in Senate Rules. Most of the appointments that we will get are title 37 licensing boards. We will get probably 300 give or take a few names transmitted to us as appointees to 37 boards.

CHAIRMAN COLE: One that I am wondering about coming up - Political Practices. Might be one that will take a little special handling.

SEN. WELLS: What information are we given on the person, what sources do we use as an investigative technique here.

CHAIRMAN COLE: We receive from Susan Ames a sheet of paper and it will tell who they are and what they have appointed to, telephone numbers, and then we would make phone calls to these people, talk to them, see if they are still interested, if they have any questions, that type of a small telephone interview. That way we can have some way of getting recommendations back to the committee.

SEN. HARGROVE: You may want to devise a format that has the name, the phone number, and the requirements out of the code, and from that you can basically think about what questions you might want to ask rather than have to dig it out yourself as you will have 50 or so.

SEN. WILSON: I think there is a spot for commentary or comments that you want to make.

SEN TESTER: Who is going to answer the questions? The person designated for appointment answer the questions?

CHAIRMAN COLE: We have done this in the past unless we run something that is really controversial, we can do this all by telephone. We do have to keep on top of this or pretty soon they will start slipping behind. We will get some cleared up and then we get some more. They don't all come at once.

DAVID NISS: I'd like to add Mr. Chairman as to that last point, there is no requirement, either in statue or in rules how many go into a particular resolution for transmission to the Senate floor. We just batch the terms how far members have gotten in their list.

CHAIRMAN COLE: Anything else - I do have (Sen. Wells and I) sat over at the House yesterday and they had a presentation on the retirement systems with an overview on it and I'm not sure - does every one have a copy? Anything else?? One thing, we will try to hold probably two bills, maybe three if it looks like they are small, we will try to keep current, try to keep up on it. That is all I can think of. I appreciate everyone coming and 10 o'clock tomorrow. We will have two bills for tomorrow, two bills for Monday and I believe one for Tuesday, two for Wednesday that we were suppose to hear today and two more for Thursday.

CHAIRMAN COLE: Call for adjournment.

SEN. WELLS: Mr Chairman I move we adjourn.

SEN. HARGROVE: Second

ADJOURNMENT

Adjournment: 10:45 A.M.

SEN. MACK COLE, Chairman

PAT JOHNSON, Secretary

MC/PJ